

**BOARD OF ADJUSTMENT**  
**MINUTES OF THE MEETING**  
**DECEMBER 1, 2011**

**CALL TO ORDER:** This is a regularly scheduled meeting of the Board of Adjustment of the Borough of Franklin Lakes. In compliance with the Open Public Meetings Law, Notification of this Meeting has been sent to our Official Newspapers and Notice has been posted on the bulletin board at the Borough Hall. I direct that this announcement be entered into the Minutes of the meeting.

**ROLL CALL:**

**Present:** Mr. DiFlora, Mrs. Gerber, Mr. Bavagnoli, Mr. Toronto, Mr. Frankel,  
Ms. Schoenberg, Board Attorney Davies, Board Engineer Tiberi (8:15 P.M.)  
**Absent:** Mr. Khoury, Mr. Badenhausen

**OLD BUSINESS**

Cal.#2011-16 Application For Sacco, 205 Stokes Farm Road, Block 3101.02, Lot 1.04, dimensional Variances, which are in violation of the following Sections of the Ordinance:

<b>TYPE</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>EXISTING</b>	<b>VARIANCE</b>	<b>CODE</b>
Lot Coverage	25%	32.51%	26.94%	7.51%	300-102
			(w/o pool)		
Existing Block Wall In southern side yard 20 foot no disturbance Area	20'	15'	15'	5'	300-124.B.(1)
Front Yard Setback Slate Walk Step	50'	47'	47'	3'	300-102
Southern Side Yard Setback Patio	25'	23'	--	2'	300-102
Boulders in 20 Foot No Disturbance Area	20'	13'	--	7'	300-124.B.(1)

DEEMED COMPLETE: October 4, 2011

DETERMINATION DATE: February 1, 2012

Peter and Brandy Sacco, 205 Stokes Farm Road, were sworn by Mr. Davies. Mr. Sacco stated that he and his wife moved into the home in April of 2010. A retaining wall was built on the property by a prior owner during an emergency situation. Mr. Sacco is now proposing improvements to the back yard which would include a patio, kitchen, pool and hot tub. Mr. Sacco is seeking variance relief for coverage and encroachment into the no disturbance buffer.

Douglas Doolittle, McNally Engineering, 160 Ramapo Valley Road, Oakland, N.J. was sworn by Mr. Davies. The plan by McNally Engineering dated 8/21/11, revised 9/27/11, was marked as Exhibit A-5. Mr. Doolittle described the property as a conforming lot in the A-40 zone. The home is located in the middle of the property at the 50 foot setback line and the area in the rear of the lot where the construction is proposed is level. There are four large retaining walls in the rear that hold back a substantial slope bordering the rear property line. The existing home is conforming in terms of coverage. There is a circular driveway and side load garage along with a patio in the rear and other amenities. The proposal is for a pool, patio, pergola, fire pit, outdoor entertainment center, and a rockery with a cascading waterfall which will empty into the pool. There are existing nonconformities noted in the Boswell review letter. Impervious coverage exists at 26.94% where 25% is allowed with 32.51% proposed. Mr. Doolittle described the existing nonconformities and Mr. Doolittle stated that the proposal has no negative impact on the zoning or Master Plan of Franklin Lakes. He did not recommend disturbing any of the work done by previous owners in order to bring the property into conformance.

Mr. DiFlora pointed out that a lot of work was done at the home without permits. The soil collapse that took place in the rear of the property, before it was purchased by Mr. Sacco, is a unique circumstance, and Mr. DiFlora indicated that the Board would be more lenient with this application than it normally would. However; some concession must be made since the Board has never approved coverage of 32.5% and there could be opportunities for some changes to the proposed work. Mr. DiFlora indicated that the walls in the rear of the property were

problematic and Ms. Tiberi stated that the area would have to be regraded and stabilized if the walls were removed. After some discussion, Board Members agreed that a coverage amount of 29.0% would be the fairest compromise given the conditions on the property. The applicant agreed to eliminate the three variances on the left or southern side of the property and to honor the setbacks.

Mr. Frankel made a motion to open the public portion of the meeting, seconded by Mr. Bavagnoli, all ayes. No one from the public came forward and Mrs. Gerber made a motion to close the public portion of the meeting, seconded by Mr. Bavagnoli.

Mr. Davies listed the following conditions:

1. The applicant will remove the existing block wall at the southwest property line.
2. The proposed plan will be revised so that the proposed patio will not intrude into the 25 ft. setback and the boulder wall will not intrude into the 25 ft. setback at the south of the property.
3. Impervious coverage permitted will be 29.0%.

Mr. Frankel suggested allowing impervious coverage of 30% because 29% doesn't give the applicant adequate leeway and will result in removal of areas of the driveway. Mr. Sacco said that the project doesn't seem feasible; however, after more discussion waffle blocks were suggested for the front driveway. Ms. Tiberi stated that waffle block is considered to be 50% to 55% pervious coverage. Mr. Sacco concluded that he would come back next month to present a revised plan.

Mr. Bavagnoli made a motion to carry the application to January 5, 2012, seconded by Ms. Schoenberg.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel, Ms. Schoenberg

Nays: None

### **RESOLUTION**

#### **GAGLIONE BLOCK 3305.01, LOT 1**

Mr. Bavagnoli made a motion to memorialize the resolution, seconded by Ms. Schoenberg.

Roll Call Vote

Ayes: Mr. DiFlora, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel, Ms. Schoenberg

Nays: None

### **MINUTES**

The Minutes of November 3, 2011, were presented for approval. Mr. Bavagnoli made a motion to approve the minutes as presented, seconded by Mr. Frankel.

Ayes: Mr. DiFlora, Mr. Messaros, Ms. Schoenberg, Mr. Frankel, Mr. Bavagnoli

Nays: None

### **VOUCHER**

Robert Davies, Esq. MEET. ATTEND. 11-3-11 \$300.00

Mr. Bavagnoli made a motion to approve the voucher, seconded by Mr. Frankel.

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Bavagnoli, Mr. Toronto, Mr. Frankel, Ms. Schoenberg

Nays: None

The meeting was adjourned at 9:06 P.M.